



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Eric P. ORGERON, et al.

DATE: February 3, 2003

SERIAL NO.: 09/779,169

GROUP ART UNIT: 3643

FILED: 8 February 2001

EXAMINER: Susan L. Piascik

FOR: "Fishing Lure"

ATTORNEY DOCKET NO.: A99274US (98062.3)

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RULE 116 RESPONSE

Box AF  
Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

This is a response to the Office Action dated October 2, 2002. A shortened statutory period was set to expire three months from the date of the Office Action, making a response due by January 2, 2003. A one-month extension of time accompanies this Response, extending the deadline to February 2, 2003.

REMARKS

Claim 9 was rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Preston. Applicant respectfully traverses this rejection. First, the fish lure of Preston is not a float as claimed. No where in Preston is it stated that the lure floats. Just because there is apparently a void space does not mean that it floats - there is no disclosure that this apparent void space is filled with air - it could be filled with liquid or open to the outside so water can fill it (one cannot assume that it is a water-tight void space). Second, the fish lure of Preston is not slidingly received on a rod; it is instead rotatably received on a rod. Thus, Preston neither anticipates nor renders obvious claim 9.

Claims 18-24, 26, 27, 31-34, 39, and 40 were rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Brokaw. The claims have been amended to overcome this rejection.

Brokaw's design with a tubular member extending angularly upward and outward from the middle portion of the lure body towards the head section of said body which would create about a